

ALEX D. PATEL
JOHN A. ALUMIT †
EDWIN P. TARVER ††

† ADMITTED TO PRACTICE IN CALIFORNIA & NEW YORK
†† REGISTERED TO PRACTICE BEFORE THE USPTO

10/619,304
PATEL & ALUMIT, P.C.

16830 VENTURA BOULEVARD, SUITE 360
WOODLAND HILLS, CALIFORNIA 91364
TELEPHONE (818) 380-1900
FACSIMILE (818) 592-4041
www.patelalumit.com

fw

March 14, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Laurence Hardesty

Serial Number: 2004/0083183

Filed: 07/14/2003

For: Financial transaction
system with consumer
reward and net settlement

Group Art Unit: 3621

Examiner: James Reagan

35 U.S.C. § 112 NOTICE

Dear Mr. Reagan,

I would like to submit the enclosed documents for your reference with regard to the examination of the above referenced patent application. We believe that under 35 U.S.C. § 112(b) and (f), the above referenced application should not issue, since the system and method it discloses was invented by Mr. Kannegiesser and in public use more than one year prior to the date of the application for patent.

Copies of Mr. Kannegiesser's application, declaration and the transmittal letter for his application; number 08/460,183 filed on 06/02/1995, are enclosed for your reference.

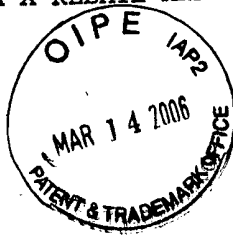
Sincerely,

Edwin P. Tarver
PTO Reg. No. 53,674
Enclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **SHELDON B. KANNEGIESSER**
 Title: **SYSTEM FOR PURCHASING WITH A REBATE AND A CONTRIBUTION**
 Docket No.: **30626.1US01**

Assistant Commissioner for Patents
 Attn: Patent Application
 Washington, D.C. 20231



Sir:

We are transmitting herewith the attached:

- ☒ Transmittal sheet in duplicate containing Certificate under 37 CFR 1.10.
- ☒ Utility Patent Application: Spec. 19 pgs; 6 claims; Abstract 1 pg.
- ☐ Design Patent Application: pgs.
- ☐ Plant Patent Application: Spec. pgs; claims; Abstract pgs.
- ☒ 5 Sheet(s) of formal ☒ informal drawing(s).
- ☐ An Assignment of the invention to and Recordation Form Cover Sheet.
- ☐ A certified copy of a application, Serial No. , filed , 19 , the right of priority of which is claimed under 35 U.S.C. Section 119.
- ☐ Small entity status of this application will be established at a later date.
- ☒ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ A signed Combined Declaration and Power of Attorney.
- ☐ An unsigned Combined Declaration and Power of Attorney.
- ☒ A check in the amount of \$523.00 to cover the Filing Fee.
- ☐ A check in the amount of \$40.00 to cover the Assignment Recording Fee.
- ☒ A return postcard.
- ☐ Other:
- ☒ The filing fee has been calculated below as follows:

CLAIMS AS FILED				or	OTHER	
FOR:	(1) No. Filed	(2) No. Extra	SMALL ENTITY RATE FEE		RATE	FEE
BASIC FEE	#####	#####	#####		#####	\$730
TOTAL CLAIMS	24	- 20 = 4	x 11 = \$44.00	or	x 22 =	\$
INDEPENDENT CLAIMS	6	- 3 = 3	x 38 = \$114.00	or	x 76 =	\$
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED			+120 = \$	or	+ 240 =	\$
TOTAL			\$ 523.00		\$	

If the difference in Column (1) is less than zero, enter "0" in Column (2).

Please charge any additional required fees or credit overpayment to Deposit Account No. 13-2724. A duplicate copy of this sheet is enclosed.

MERCHANT, GOULD, SMITH, EDELL, WELTER & SCHMIDT
 11150 Santa Monica Boulevard, Suite 400
 Los Angeles, CA 90025-3395 (310) 445-1140

By: Charles Berman
 Name: Charles Berman

Reg. No. 29,249

CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: TB755962966US
 Date of Deposit: June 2, 1995

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Michelle L. Mahler
 Name: Michelle L. Mahler
 (NEW FILING)

INDEPENDENT INVENTOR(S)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

SYSTEM FOR PURCHASING WITH A REBATE AND A CONTRIBUTION

described in

- a) ☒ the specification filed herewith.
b) ☐ application serial no. _____, filed _____
c) ☐ patent no. _____, issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person has made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- a) ☒ no such person, concern, or organization
b) ☐ persons, concerns or organizations listed below*

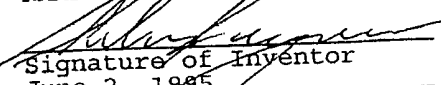
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

Sheldon B. Kanegiesser
NAME OF INVENTOR

Signature of Inventor
June 2, 1995
Date

NAME OF INVENTOR

Signature of Inventor

Date

NAME OF INVENTOR

Signature of Inventor

Date

SYSTEM FOR PURCHASING WITH A REBATE AND A CONTRIBUTION

Inventor:

Sheldon Kannegiesser

Attorneys:

Charles Berman, Esq.
George Gates, Esq.
MERCHANT, GOULD, SMITH,
EDELL, WELTER & SCHMIDT
11150 Santa Monica Blvd.
Suite 400
Los Angeles, CA 90025
(310) 445-1140



SYSTEM FOR PURCHASING WITH A REBATE AND A CONTRIBUTION

by

Sheldon Kannegiesser

BACKGROUND

Having a purchasing system using a credit or a debit card which provides an immediate rebate to the card holder, of
5 a percentage of the purchase price combined with a means of passing the rebate on to an affinity group or nonprofit organization as a contribution is highly desirable.

This invention relates to such a purchasing system.
10 In particular, it relates to a system where, as a result of a purchase of a product, immediate point of sales rebates are made to the purchaser and as a part of the same transaction, passed on to a specified recipient.

Many systems are known for having the feature of
15 effecting a rebate as the result of a purchase. In some systems the rebate is directed to operating essentially as a purchasing club wherein members purchase from a plurality of vendors and accumulate rebates. These rebates come in many
20 forms and from many sources. The rebates may be made directly by the vendor, by a bank or issuer of a credit or debit card, or by a service provider such as a telephone company. The form of these rebates includes situations where a vendor issues a credit card in conjunction with a banking institution (co-
25 branded cards) in order to increase customer loyalty. In these situations, customers using a co-branded card to make their purchase may receive discounts on merchandise or discount coupons for future transactions with that vendor. In addition, these types of rebates may be passed on to a guarantor in the

nature of an insurance company for investing in an annuity contract for the benefit of the member.

Vendors have formed joint ventures in order to increase sales volume and customer loyalty at their stores. An example of this situation occurs when vendors provide customer rebates which can be used towards the purchase of an automobile if the customer uses a credit card issued by that automobile manufacturer. Rebates may be given in an indirect manner. In such situations, the vendor may utilize a service provider such as a bank, airline or telephone company as a means of providing the rebate. In the majority of these situations the service provider rewards the customer for frequent usage of the service through the accrual of points which can be used for a variety of benefits.

Some systems provide credit cards known as affinity cards. These cards are issued by a funding or banking source and are affiliated with groups including nonprofit organizations. These nonprofit organizations are the affinity associated with the card. When the purchasers use their card for a purchase, the card issuer donates a percentage of the gross purchase to the affinity organization designated by the card. In this manner, the card issuer makes a donation to the affinity group. In this type of a system, the purchaser does not receive a direct benefit such as a rebate, discount or tax benefit as a charitable contribution. The beneficiary is the affinity group or nonprofit organization to which the purchaser holds an affinity and the contributor is the card issuer and not the purchaser. It has been determined that monies received by the nonprofit organizations from the card issuers may represent taxable income to the nonprofit organization as an unrelated business expenses.

Other systems exist whereby service providers, such

as long distance telephone companies, are affiliated with the affinity groups. In these systems when a supporter of the affinity groups contracts with the telephone service they obtain discounts on their long distance calls. The telephone service provider then passes the discounts on to the affinity group of that supporter. This discount is taxable to the affinity group. In these situations, there is no rebate or tax benefit to the purchaser.

10 Thus, it can be seen that numerous discount and rebate programs are available for use with credit or debit cards. In all cases, the discounts flow to the purchasing consumer. In these systems where an affinity group is the recipient, the contribution comes from the provider of the service or from a card issuing bank and not from the purchaser.

15 None of the transactional systems based on purchasing of products provides for advantages to the recipient and the purchaser. Nor do any such systems provide an immediate rebate contribution at the time of the sale. There is, accordingly, a need to provide an improved purchasing system with a rebate contribution feature, one which minimizes the disadvantages and drawbacks of those which are known.

25 SUMMARY

By this invention, there is provided a system for effecting purchasing transactions utilizing a credit or debit card and having a rebate contribution which minimizes the disadvantages of known systems.

30 It is an object of the present invention to provide a computer program, utilized in combination with a purchasing or transactional system which allows purchasers to buy goods and services using a credit or debit card and receive an instant rather than a delayed rebate at the point of the sale.

It is an object of the present invention to automatically and instantaneously as part of the same transaction transfer these rebates on to an agent or custodial account for later disbursement to an affinity or nonprofit organization as designated by the purchaser.

Another object of the invention is to instantaneously pay the vendor a discounted amount as part of the point of sale purchase. In addition, this invention will produce periodic reports for the purchaser which follow the activity of the card use. These reports will detail the purchase, the vendor from whom the purchase was made, the amount of the rebate earned and the amount of the rebate to be passed on to the purchaser's affinity group or nonprofit organization.

Another object of the present invention is to provide periodic reports for the affinity groups or the nonprofit organizations. When applicable, these reports will identify the donation as a charitable contribution from the purchaser in order to substantiate federal tax requirements under IRC § 170(f)(8). These reports will include the purchaser's address and taxpayer identification number.

According to the invention, there is provided a system of purchasing having a rebate contribution. The system includes a first purchasing entity or consumer for purchasing products in the nature of goods or services. The purchaser obtains such a product at a predetermined price, usually the normal retail price charged by the vendor. Rebates on goods and services will have been pre-negotiated with participating vendors. These rebates will be earned by the purchaser and transmitted to a custodial account by the card issuer for distribution to the affinity organization or nonprofit group designated by the purchaser's credit or debit card. The card issuer also transfers the retail purchase amount to the vendor, less the rebate, in return for the product or service.

The rebate is preferably effected immediately. By the invention, the purchaser pays a price for the product, which is either goods or services. A portion of the purchase price is rebated to the purchaser and submitted to a custodial account to be passed on to the affinity group or nonprofit organization. Under current tax law, the purchaser may receive tax benefits if the final beneficiary of the rebate is a qualified donee under IRC § 170(c). In addition, the card issuer may fund an agent with a portion of the rebate.

The invention is further described with reference to the accompanying drawings.

DRAWINGS

FIGURES 1A, 1B and 1C are block diagrams representing hardware applicable for applying the procedure.

FIGURE 2 is a flow diagram of software transactions representing transactional procedures in accordance with the invention.

FIGURE 3 is a flow diagram representing a first transactional purchase with rebate and contribution.

FIGURE 4 is a flow diagram representing a transactional relationship with rebate and contribution by a second process.

FIGURE 5 is a transactional procedure illustrating a rebate and contribution procedure by a third process.

FIGURE 6 is a flow diagram representing a transactional procedure representing a rebate and contribution by a fourth process.

DESCRIPTION

A transaction system of the invention provides for purchasing products using a credit or debit card for which the purchaser receives a rebate. The purchaser may retain the rebate or pass it on as a contribution to a recipient organization. The system includes a first purchasing entity or consumer for purchasing products in the nature of goods or services. The purchaser buys the product at the posted retail price. The vendor, by prior contract with the agent or card issuer provides rebates as a percentage of the purchase price. A portion of the rebate is transmitted to the custodial account of the agent for later transmission to the recipient organization designated by the cardholder. Another portion of the rebate will remain in the custodial account or transferred to another account in order to pay the fees of the agent.

The card issuer, upon recognizing electronically a transaction utilizing a debit or a credit card as part of the system and recognizing that the vendor is a participating retailer, will charge or debit the full retail price to the account of the purchaser. By prior agreement with the vendor, the card issuer will pay the retail price of the product to the vendor less the pre-negotiated rebate and will simultaneously pay the rebated portion to the custodial account of the agent for later disbursement to the recipient organization designated by the cardholder.

The agent could be the bank which is itself maintaining a custodial account or it could be the account of a third party agent such as CareCard™. The rebate is provided by the vendor. At the cardholder's discretion, a portion of this rebate less the agent's fee may be retained. Alternatively, the rebate less the agent's fee may be passed on as a contribution to the designated recipient organization. As

a part of the periodic reporting system, the cardholder would be given the choice of whether to retain the rebates less the agent's fee for himself, or to pass this sum on to the recipient organizations.

5

A method for making charitable contributions is provided in combination with a transactional system utilized by at least one purchaser, a custodial account, at least one vendor, a card issuer, at least one charitable organization, and possibly an agent.

10 A vendor enters into a contract with an issuing bank or agent whereby the vendor designates an amount to be deducted from the retail price of its products or services as a rebate to the purchaser in return for volume purchasing. A purchaser also signs up to carry a debit or a credit card with a card issuer, whereby the purchaser designates at least one recipient organization to receive at least portion of the rebate.

20

The purchaser would then purchase products from the vendor using a transactional system to identify the purchase as one qualifying for the rebate. The purchase receipt is sent electronically through computer means to the vendor's bank for credit to the vendor's account. The receipt is also sent electronically through computer means to the purchaser's bank for payment. The purchaser is billed electronically through computer means whereby an invoice shows the amount of rebate eligible for contribution to the designated charitable organizations. The purchaser can then determine whether to give the rebate to the designated charitable organizations.

30 A system for purchasing products comprises a plurality of purchasers; a plurality of product vendors; means for designating at least one recipient organization; means for identifying a purchase of a product as a purchase subject to a

rebate; means for computing the rebate periodically; and means for permitting the purchaser to determine whether to keep the rebate or donate at least part of the rebate to the recipient.

5 As used herein, the term "CareCard" is used to define the agent's card or system.

10 **FIGURE 1A** illustrates the hardware for use in the system and method of the invention. A credit or debit card 10 of a purchaser is used for acquiring goods and services. The card is coded to identify both the purchaser and the recipient organization, and to authorize rebates. If necessary, the card 10 may be coded to authorize a rebate to one or more selected recipient organizations.

15 The card code is read by a device 11 at the location of purchase and processed. This transaction will be confirmed and the appropriate funds will be transferred. The input device 11 is connected through line 12 with the card issuer's computer account 13. In this situation, the card issuer is likely to be the bank of the customer, and the authorization of the transaction will result in the customer's account being charged or debited for the purchase price of the product. The card issuer in one embodiment may be connected through line 14 25 with the supplier bank which receives the funds from the card issuer. The card issuer 13 may also be connected through line 16 with a computer account 17, which handles the bank account of the agent. In this figure, computer 17 serves as both the agent account and the custodial account.

30

FIGURE 1B illustrates another possible embodiment. In this scenario, the agent computer account may be separate, as represented by block 119, and the custodial account would be represented by block 17. In a situation where the agent account 35 is separate, it could be connected to the issuing bank computer

account 13 through line 120.. Authorization of a transfer of funds at block 10 would effect a transfer of these monies into the computer account of the receiver, block 15, as well as the computer accounts of both the agent, block 119, and the
5 custodial account, block 17. In a situation where the custodial computer account is represented by block 17, it could be connected through line 18 to computer account 19 at the bank of the recipient organization.

10 FIGURE 1C represents another embodiment where the card issuing bank computer 13 could be directly connected with the computer account of the agent as represented by block 119, and connected through a line 121 to the computer account of one or more of recipient organizations as represented by block 19.
15 In this scenario, the appropriate monetary share could be paid by the card issuer directly to both the agent's computer account and the computer account of the recipient organization.

 Figure 2 shows a flow diagram illustrating the
20 process for performing the method of the transaction. The process starts from the authorization of the purchase transaction 20. When such purchase transaction is authorized, the credit card account for the customer 21 is charged or debited. The purchaser's account will retain information
25 regarding the amount of the purchase, the vendor, the rebate and the amount of the rebate passed on to the recipient organization as indicated in block 22.

 Authorization of the purchase transaction also
30 permits computation and payment of a purchase price, less a rebate to a vendor, as indicated in block 23. The vendor will receive reports indicating the purchase price, less the rebate and the final net discounted amount paid to the vendor by the purchaser, as indicated in block 24. There can also be a
35 computation and printing of periodic reports of rebates paid to

the purchasers, as indicated in block 25.

After authorizing the purchase transaction, block 20, it is possible to periodically print customer reports for the card holder. These reports would indicate the vendor, the purchase price, and the amount of the rebate, block 26. The customer reports would provide a means wherein the purchaser could notify the custodial account on a periodic basis as to whether they desired to retain the rebates for the reporting period or to pass them on to the recipient organization as indicated in block 27. In this regard, the custodial account may delay payments of the rebated amount to the recipient organization for a time period which is different from the immediate payment to the vendor that occurs when the product or service is purchased. For tax purposes, the purchaser could also receive year end reports on the amount that has been given to the recipient organizations, block 28. An output from block 27 is directed to block 29 for computation and periodic passing through of the rebates to the recipient organizations or the purchaser. Block 29 is also connected with the authorizing block 20 so that when there is confirmation of a purchase and rebate that such rebates, if selected, may be paid directly to the custodial account as indicated in block 29.

The amounts rebated can be held in the agent account 29 and periodically computed and paid to beneficiaries, being either the cardholder or NPO1, NPO2 and NPO3, less the amount retained as the agent's commission, block 30. The NPO1 is indicated as block 31, NPO2 as block 32 and NPO3 as block 33.

The agent's computer can periodically print reports on agents' commission and rebates to NPO1, NPO2 and NPO3, as indicated by block 34. Similarly, blocks 31, 32 and 33 permit for periodic reporting on rebated amounts for respective NPO's 1, 2 and 3, as indicated.

There is illustrated in the flow diagrams of Figures 3 - 6 a person who is purchasing a product. The product is to be obtained from a supplier or vendor at a predetermined, preferably a posted retail price. Also illustrated is a funding entity in the nature of a card issuer. A recipient is illustrated which is an affinity group, namely a nonprofit organization. Between the funding entity and the recipient, there is an agent illustrated as a CareCard™. There is also illustrated a receiving bank, which bank is in some cases the bank of the retailer or purveyor of the product. The products can be in the nature of goods or services. The issuing bank in the relationship of Figure 3, namely the funding entity, issues appropriate credit cards through which the transactional purchasing arrangement with rebate and contribution can be effected.

The system of the invention is such that the purchaser or cardholder at the time of making an application for a credit card is provided with a card issued in association with an agent for a recipient organization which acts as a recipient of at least a portion of the rebate amount. In the illustrations of Figures 3-6, this agent or custodial is referred to as CareCard™.

The credit card can be issued through any conventional credit card system such as Visa™, MasterCard™, American Express™, or the like. The cardholder or purchaser is informed of designated entities in the nature of retailers of services and products who are part of the transactional program. Such designated entities provide rebates on products purchased from them. The rebate can relate to a fixed amount or percentage of the purchase, and can vary according to the amount of the purchase on an appropriate sliding scale or in fixed increments. The cardholder is periodically advised of additional retailers or additional entities who are part of the

program and the appropriate rebates provided by these retailers. Such notification is part of the reports received periodically, for instance monthly, by the purchaser, namely the credit card holder.

5

The purchaser can selectively receive reports and information about rebates provided by the designated entities or suppliers, the recipients on a record system periodically and/or cumulatively.

10

In some forms of the system, the purchaser can be entitled to retain the rebate in part or in whole himself, or donate that rebate to a nonprofit organization electronically through the credit card and the agent, CareCard". The amount
15 retained by the purchaser in lieu of making the contribution may be different to the amount which would be fully contributed to the nonprofit organization. This can be done periodically on an ongoing basis as part of the statements received periodically. This can be effected, for instance monthly, by
20 the purchaser from the funding bank or issuing bank, as the case may be. The contribution benefit received by the purchaser is such that the rebates donated may be credited as income tax deduction to the purchaser.

25

In different forms of the invention, the designated entity or retailer can provide contractually a stipulated rebate policy or percentage.

The flow diagrams illustrated in Figures 3, 4, 5 and
30 6 are variants in the sense of the party making the payment of the rebate to the recipient. In Figure 3, a receiving bank, that is the bank of the supplier, namely a retailer, receives the purchase amount, less the rebate amount. The funding entity, the issuing bank, submits the rebate to the agent,
35 namely the custodial account, CareCard" and a portion of the

rebate is then submitted as a rebate to the nonprofit organization. The purchaser receives the contribution benefit.

5 In the arrangement of Figure 4, the issuing bank submits a full amount of the purchase to the supplier, who in turn submits the funds in full to a receiving bank. The receiving bank, in turn, submits the rebate amount to the agent, CareCard". A portion of this amount is submitted to the nonprofit organization, namely the recipient. The purchaser
10 then receives the tax benefit from this contribution.

In Figure 5, the arrangement is that the issuing bank fully pays the supplier, the retailer, the determined price. The retail entity then submits the rebate to the agent,
15 CareCard". The agent in turn submits a proportionate share to the nonprofit organization. The purchaser then receives the tax benefit from this contribution.

The explanation of the transactional flow is
20 described in further detail with regard to Figures 3, 4, 5 and 6.

The cardholder initiates a point of sale transaction utilizing the credit or debit card, identified as a CareCard". The point of sale electronic receipt could indicate the
25 following:

(a) a \$100 purchase and charge and a line possibly at the bottom of the receipt stated, "Rebates earned \$10";

30 (b) a variation to this could be the following:

Item purchased:	\$100
Total charge:	\$100
Rebate:	\$ 10
35 Retailer Net:	\$ 90

As a result of the electronics built into the CareCard™ system, the issuing bank would electronically and instantaneously identify the following: (a) a CareCard™ Point of Sale transaction; (b) the cardholder; (c) the cardholder's available credit or cash balance; (d) the nonprofit organization designated electronically in the card; (e) the retailer and whether or not they are participating in the rebate program and the percentage rebate that the retailer is providing. The technology automatically and instantaneously processes and transfers payment to the retailer and the rebate to the custodial account of CareCard™.

In Figure 3, the customer is making a \$100 purchase, the issuing bank makes a \$100 charge to the cardholder. Ninety dollars is paid to the retailer and the \$10 rebate transferred to the agent's custodial account. The \$90 is transferred through the retailer to the bank of the retailer, namely the receiving bank.

Monthly, quarterly, semi-annually or annually, the agent, CareCard™, passes the rebate on to the nonprofit while retaining a percentage of the rebate for its own fees.

A further variance to the transactions of Figures 3, 4 and 5 is by eliminating the agent's custodial account. The issuing bank, receiving bank or retailer pay the agent's portion of the rebate directly to the nonprofit.

Different Characteristics of the System

The cardholder, by prior contract signed as part of the card application, agrees that when making purchases utilizing the credit or debit card at participating retailers, to make a contribution to the nonprofit organization or affinity group of the card holder's choice as designated electronically in the credit card. This is accomplished in the

form of an automatic secondary charge to the card in an amount equal to discounts negotiated on their behalf at participating retailers.

5 The cardholder receives the discount (not rebate) instantaneously at the Point of Sale indicated by the Point of Sale Receipt. In the case of the assumed transaction, the receipt shows a \$100 retail item, a \$10 discount and a \$90 purchase. For purposes of illustration, this is called a "100-
10 10-90 transaction". The cardholder's monthly statement from the issuing bank shows a \$90 charge for the retail purchase an additional charge of \$10 as a contribution benefit. The cardholder initiates a Point of Sale transaction utilizing the credit card (CareCard"). The Point of Sale receipt prints the
15 actual discount showing the 100-10-90 transaction.

 As a result of the technology built into the credit card, CareCard", the issuing bank electronically identifies the following: (a) a CareCard" Point of Sale transaction; (b) the
20 cardholder; (c) the amount of credit or cash available to the cardholder; (d) the recipient organization designated in the card; and (e) the retailer is identified electronically if participating in the rebate program and the percentage rebate provided.

25

 The technology identifying the CareCard", the nonprofit and the retailer is interfaced in a way that the issuing bank processes the payment for goods to the retailer, the discount to the cardholder and a second charge or debit
30 equalling the discount is made to the cardholder's account and forwarded to the custodial account of CareCard", for the benefit of the nonprofit organization.

 The issuing bank charges the amount of the purchase,
35 less the discount, to the cardholder's account and

electronically sends the discounted amount (in this case, \$90) to the retailer. This transaction works in the following manner: The retail purchase is approved by the issuing bank at the retail Point of Sale and the receipt issued to the customer. The electronic cash transfer of \$90 goes to the receiving bank of the retailer.

The issuing bank automatically initiates a second charge to the cardholder's account equal to the discount provided the cardholder by the retailer, in this case, \$10. This amount flows directly to the agent's, CareCard", account at the issuing bank. CareCard" need not maintain its account at the issuing bank.

The receiving bank or retailer's bank receives the discounted purchase amount, in this case, \$90.

The cardholder receives monthly statements from the issuing bank regarding the charge activities utilizing the CareCard". This statement reflects in each instance where a discount was made available pursuant to this strategy, the amount of the purchase or charge (in this case, \$90), and as a second line item, the amount of contribution (in this case, \$10). The second line item also indicates the nonprofit organization for which the contribution was designated.

As part of this transactional system, the issuing bank generates transaction records on each cardholder for CareCard" indicating the cardholder, the amount of charitable contributions made by the cardholder, to what nonprofit organization the cardholder's funds would be directed, and the record of retail purchases. This is part of an electronic system programmed to operate automatically, starting at the Point of Sale. This information is part of the data banks at the issuing bank. At some point, whether quarterly, semi-

annually, or annually, these funds are transferred to the nonprofit organization of the cardholder's choice as indicated in the card itself. This transfer is done manually or electronically. CareCard's fees are deducted from the
5 cardholder's contributions prior to funds being passed on to the nonprofit organizations.

In another embodiment, part of the rebate to the purchaser bypasses CareCard and goes directly to the bank of
10 the nonprofit organization. In this instance, CareCard's fees are programmed into the system and automatically deducted from the rebate and deposited electronically or manually in CareCard's account.

15 General

Various advantages are provided by the system of purchasing of the invention. These are that it:

a) Provides recipient organizations and other
20 qualified donees with a much-needed source of financial support at no marketing cost to the charity.

(b) Simplifies charitable giving for
cardholders.

25

(c) Provides the cardholder with a cost-free method of supporting their favorite organization.

(d) Provides a new source of revenue for
30 charitable organizations.

(e) Participating retailers benefit greatly by having the ability to attract large masses of CareCard credit or debit card members.

35

(f) Individuals utilizing a CareCard™ debit or credit card may be able to deduct for tax purposes a percentage of every purchase they make at participating retailer outlets if they opt to pass the rebate on to the recipient organization. This benefit would provide the first tax advantaged card in the United States.

(g) Individuals utilizing a CareCard™ credit or debit card may elect to keep the discount for themselves or pass it on to their nonprofit organization.

(h) Retailers will be providing actual cash discounts, namely rebates, at the point of sale versus accumulated perks and points currently available on other forms of cards such as Frequent Flyer™ cards, the GM™ card, the Shell™ card, etc. Several merchants, such as the Broadway™ stores, do provide discounts at the point of sale if the customer is using the merchant's own card at the point of sale. However, this discount is not flowing to a custodial account such as CareCard™ and then passed on to a nonprofit.

(i) Nonprofit organizations should not be taxed on the donations as unrelated business expense, a benefit that may not be available to all other forms of known affinity card donations.

(j) It is the belief and understanding that in the transactional flow of each possible scenario as outlined in the attached diagrams, that the software programming that currently exists in the Visa™, MasterCard™ systems or of any banking organization or other card issuer, would need to be altered or newly-created in order to facilitate the electronic flow for a CareCard™ transaction.

Many other forms of the invention exist, each differing from the other in matters of detail only. For instance, in addition to providing the rebate and/or discount benefits, the system can additionally provide the conventional
5 benefits currently available on existing forms of card systems, such as Frequent Flyer" miles, award points, and credits to future purchasers. Additionally, this card can be used to purchase with any vendors who accept conventional credit cards without a rebate program. The invention is to be determined by
10 the following claims.

CLAIMS

What is claimed is:

- 5 1. A method for making contributions to a recipient
 comprising
 purchasing a product from a supplier at a
 predetermined price and recording such transaction in a
 computer;
10 designating a rebate amount related to the purchased
 product and recording such transaction in a computer;
 identifying a recipient of at least portion of the
 rebate amount and recording such transaction in a computer;
 creating a contribution benefit to the purchaser as
15 a result of the rebated amount and recording such transaction
 in a computer;
 selectively authorizing at least portion of the
 payment of the rebate to the recipient and recording such
 transaction in a computer; and
20 providing a funding entity to periodically pass at
 least portion of the rebate to the recipient and recording such
 transaction in a computer.
2. A method as claimed in claim 1 including
25 designating an agent between the funding entity and the
 recipient, the agent receiving a portion of the rebated amount.
3. A method as claimed in claim 1 wherein the
 product purchased is selected to be at least one of goods or
30 services, and wherein the supplier of the product purchased is
 from at least one of a plurality of product vendors.
4. A method as claimed in claim 3 wherein the
 recipient is at least one of an affinity group or nonprofit
35 organization, and wherein the funding entity is a bank.

5. A method as claimed in claim 1 wherein the purchaser optionally selects one or more recipients to receive a portion of the rebate, the rebate being a cash donation.

5 6. A method as claimed in claim 1 including providing for the purchaser periodically to select or waive at least a portion of the rebate.

10 7. A method as claimed in claim 1 including providing a purchaser of the product with periodic summaries of the rebated amount and the recipients of the rebate.

8. A method as claimed in claim 1 wherein the funding entity funds an agent and the recipient.

15

9. A method for making contributions to a recipient comprising:

20 enabling purchasing a product from a supplier at a predetermined price and recording such transaction in a computer;

creating a contribution benefit to the purchaser as a result of the purchase by having a tentative rebated amount designating to the purchased product and recording such transaction in a computer;

25 permitting the purchaser to selectively authorize the confirmation of at least portion of the payment of the rebate to a recipient and recording such transaction in a computer; and

30 having a funding entity periodically pass at least portion of the rebate to the recipient and recording such transaction in a computer.

10. Apparatus for making contributions to a recipient comprising

35 a card for enabling purchasing a product from a

supplier at a predetermined price and recording such transaction in a computer;

means for creating a contribution benefit to the purchaser as a result of the purchase by having a tentative
5 rebated amount designating to the purchased product and recording such transaction in a computer;

means for permitting the purchaser to selectively authorize the confirmation of at least portion of the payment of the rebate to a recipient and recording such transaction in
10 a computer; and

a funding entity to periodically pass at least portion of the rebate to the recipient and recording such transaction in a computer.

15 11. Apparatus as claimed in claim 10 including means for designating an agent between the funding entity and the recipient, the agent receiving a portion of the rebated amount.

20 12. Apparatus as claimed in claim 10 wherein the recipient is at least one of an affinity group or nonprofit organization, and wherein the funding entity is a bank.

25 13. Apparatus as claimed in claim 10 including means for the purchaser optionally to select one or more recipients to receive at least portion of the rebate, the rebate being a cash donation.

30 14. Apparatus as claimed in claim 10 including means for providing for the purchaser periodically to select or waive at least part of the rebate.

35 15. Apparatus as claimed in claim 10 including means for providing a purchaser of the product with periodic summaries, such summaries including rebated amounts and the recipients of the rebate.

16. Apparatus as claimed in claim 10 wherein the funding entity funds an agent and the recipient.

17. In combination with a transactional system
5 utilized by at least one purchaser, a custodial account, at least one vendor, and at least one of an affinity group or nonprofit organization, a method for making contributions to an affinity group or nonprofit organization, comprising:

signing up for a service, whereby a vendor
10 designates an amount to be deducted from the purchase price as a rebate for at least one of an affinity group or nonprofit organization, and recording such transaction in a computer;

signing up for a contribution service at a participating financial institution, whereby the purchaser
15 designates at least one of an affinity group or nonprofit organization to receive at least portion of the rebate, and recording such transaction in a computer;

purchasing products from the vendor, and recording such transaction in a computer;

20 using a transactional system to identify the purchase as one qualifying for the rebate, and recording such transaction in a computer;

sending the purchase receipt to the vendor's bank for credit to the vendor's account, and recording such
25 transaction in a computer;

sending the receipt to the purchaser's bank for payment, and recording such transaction in a computer;

billing the purchaser whereby an invoice shows the amount of rebate eligible for contribution to the
30 designated affinity group or nonprofit organization, and recording such transaction in a computer;

determining, by the purchaser, whether to give the rebate to the designated affinity group or nonprofit organization, and recording such transaction in a computer;

35 paying the purchaser's bank, and recording such

transaction in a computer;

giving the rebate to a custodial account, for
periodic distribution to the designated affinity group or
nonprofit organization, and recording such transaction in a
5 computer; and

using a portion of the rebate to fund the
custodial account, and recording such transaction in a
computer.

10 18. The method of claim 17, wherein a purchaser's
bank pays the rebate to the custodial account.

19. The method of claim 17, wherein a vendor's bank
pays the rebate to the custodial account.

15 20. The method of claim 17, wherein the retailer
pays the rebate to the custodial account.

20 21. A system for purchasing products comprising:
a plurality of purchasers;
a plurality of product vendors;
means for designating at least one recipient
of an affinity group or nonprofit organization, and recording
such transaction in a computer;
25 means for identifying a purchase of a product
as a purchase subject to a rebate, and recording such
transaction in a computer;
means for computing the rebate periodically, and
recording such transaction in a computer; and
30 means for permitting the purchaser to determine
whether to keep the rebate or donate at least part of the
rebate to the recipient, and recording such transaction in a
computer.

35 22. A method for making contributions to a recipient

comprising:

purchasing a product from a supplier at a predetermined price and recording such transaction in a computer;

5 designating a rebate amount related to the purchased product and recording such transaction in a computer;

identifying a recipient of at least portion of the rebate amount and recording such transaction in a computer; and

10 creating an immediate contribution benefit to the purchaser as a result of the rebated amount.

23. A method as claimed in claim 22 including designating an agent between the funding entity and the
15 recipient, the agent receiving a portion of the rebated amount.

24. A method as claimed in claim 22 wherein the product purchased is selected to be at least one of goods or services, and wherein the supplier of the product purchased is
20 from at least one of a plurality of product vendors.

ABSTRACT

A system for making contributions to an affinity group or nonprofit organization is effected through purchasing a product from a supplier at a predetermined price. A rebate amount is designating in relation to the purchased product. A recipient is identified of at least portion of the rebate amount. A tax contribution benefit is created to the purchaser as a result of the rebated amount. The purchaser can selectively authorize at least portion of the payment of the rebate to the recipient. A bank periodically passes at least portion of the rebate to the recipient.

15

20

25

30

35 fmahie/carecard/patent.appl

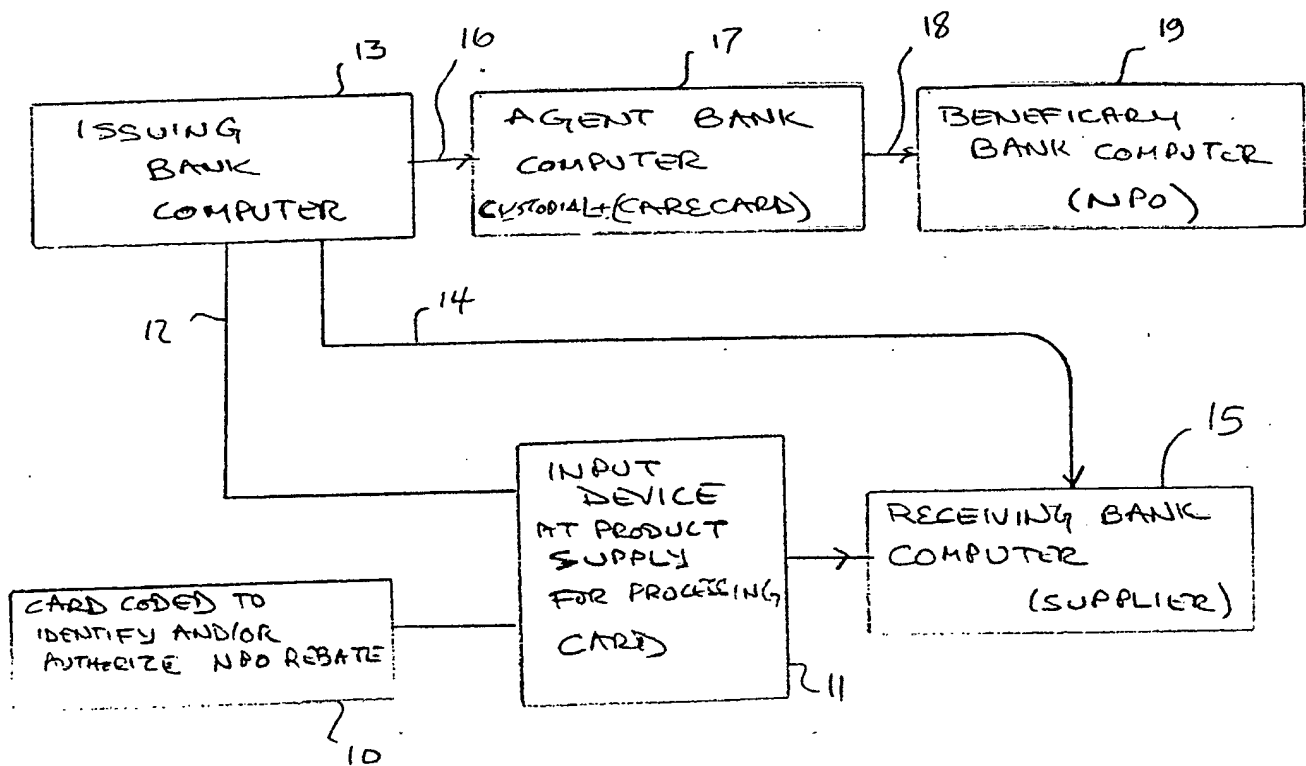


FIG 1A

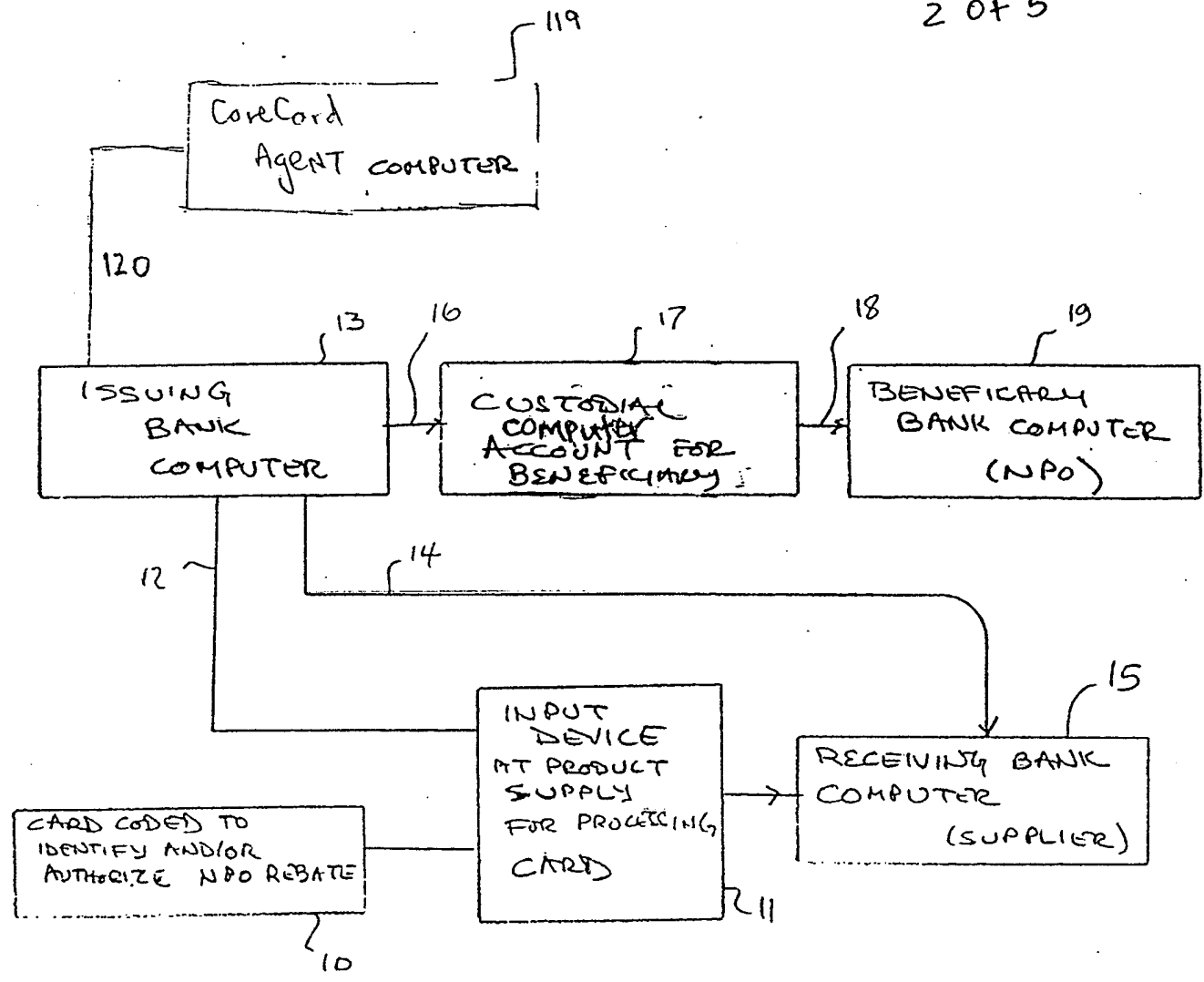


FIG 1B

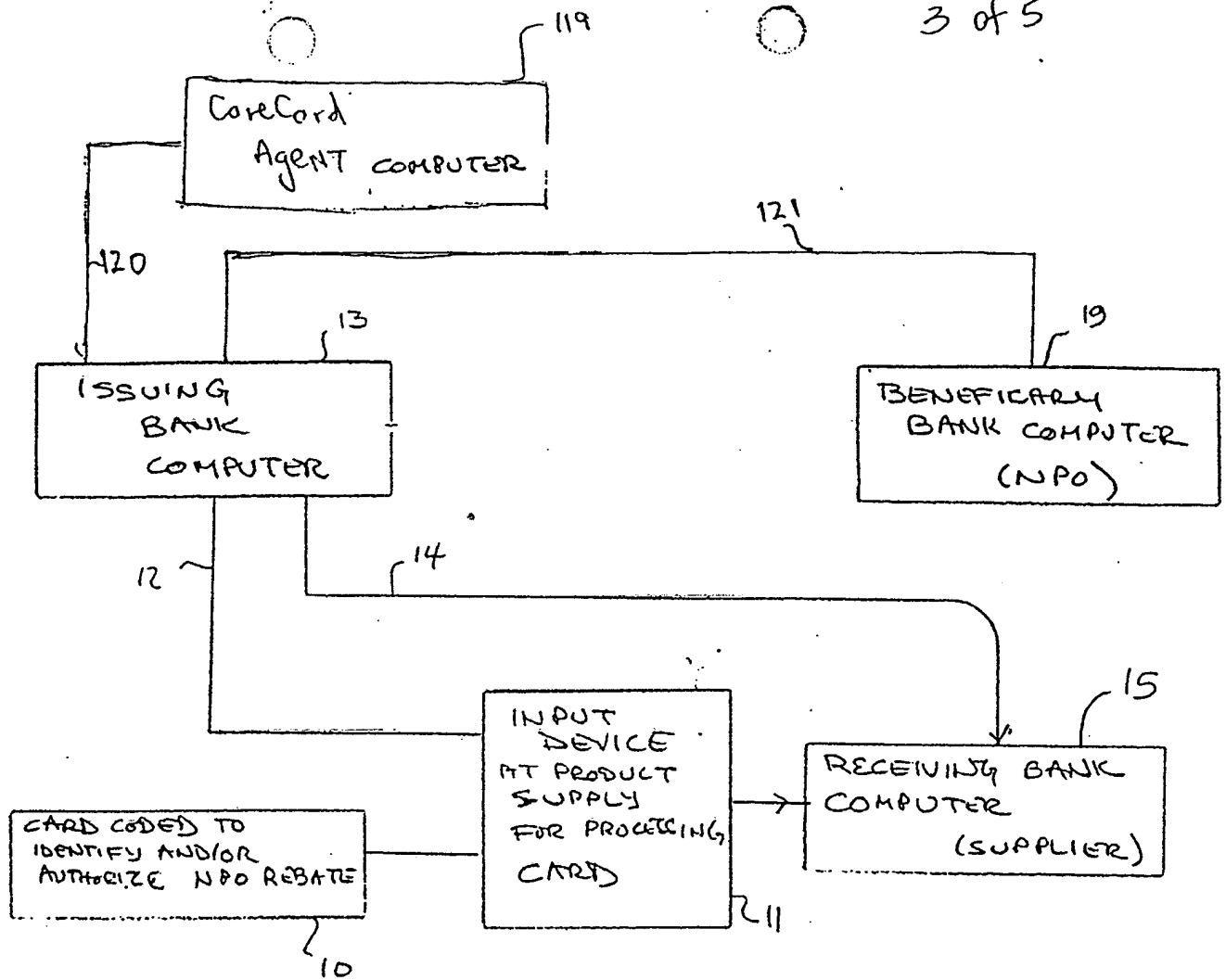


FIG 1C

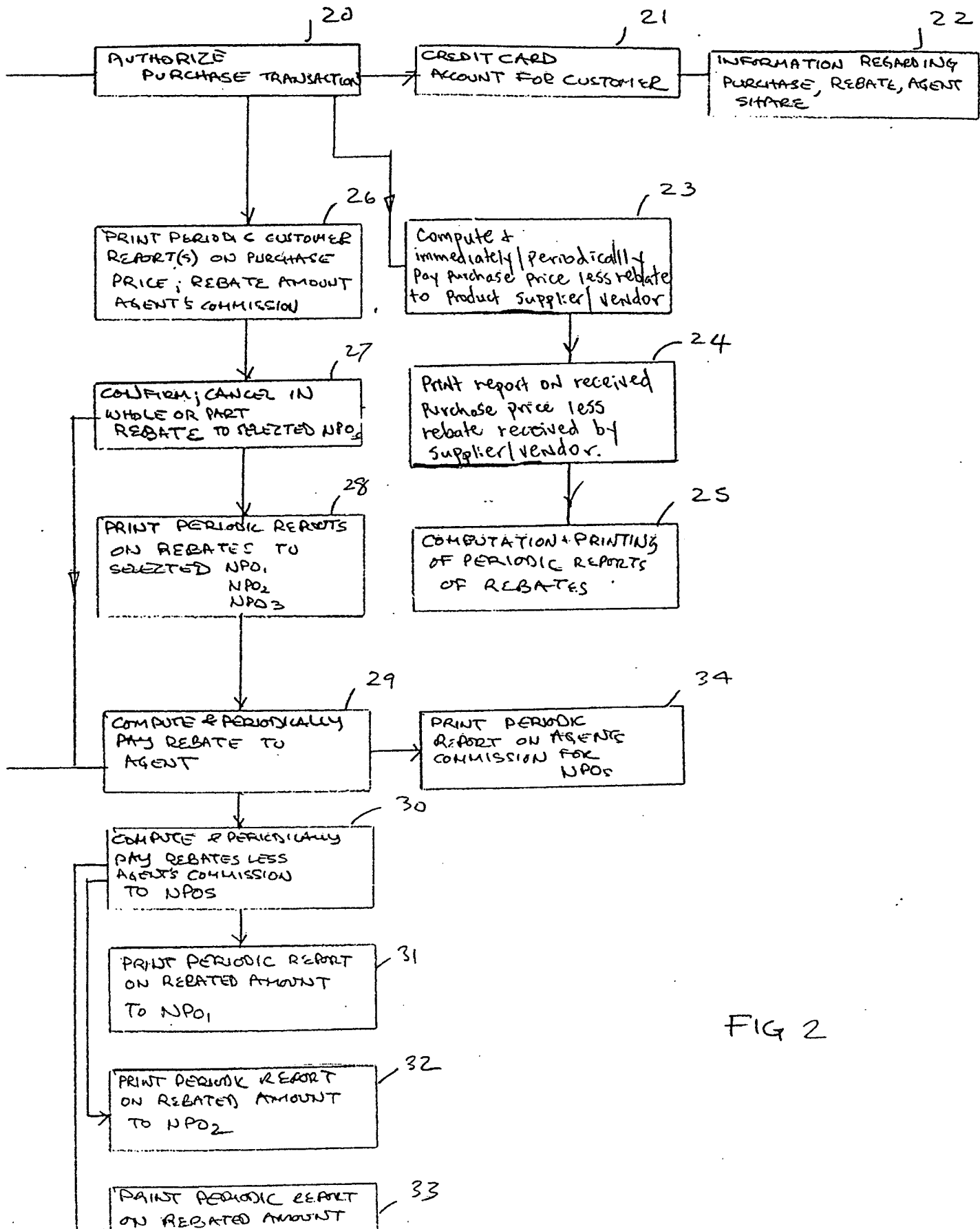


FIG 2

INDEPENDENT INVENTOR(S)

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY
STATUS (37 C.F.R. 1.9(f) AND 1.27(b)) - INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled

SYSTEM FOR PURCHASING WITH A REBATE AND A CONTRIBUTION

described in

- a) ☒ the specification filed herewith.
- b) ☐ application serial no. _____, filed _____.
- c) ☐ patent no. _____, issued _____.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person has made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- a) ☒ no such person, concern, or organization
- b) ☐ persons, concerns or organizations listed below*

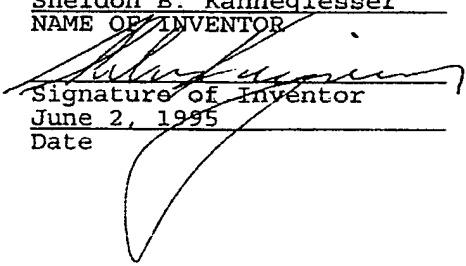
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

NAME _____
ADDRESS _____
a) ☐ INDIVIDUAL b) ☐ SMALL BUSINESS CONCERN c) ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereof, or any patent to which this verified statement is directed.

Sheldon B. Kannegiesser
NAME OF INVENTOR

Signature of Inventor
June 2, 1995
Date

NAME OF INVENTOR

Signature of Inventor

Date

NAME OF INVENTOR

Signature of Inventor

Date



MERCHANT, GOULD, SMITH, EDELL, WELTER & HMDT

United States Patent Application

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: SYSTEM FOR PURCHASING WITH A REBATE AND CONTRIBUTION

The specification of which

a. ☒ is attached hereto

b. ☐ was filed on as application serial no. and was amended on (if applicable) (in the case of a PCT-filed application) described and claimed in international no. filed and as amended on (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (see page 3 attached hereto).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

a. ☒ no such applications have been filed.

b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or patent agent(s) to prosecute this application and to transact all business in the Patent

Adriano, Sarah B. Reg. No. 34,470
 Batzli, Brian H. Reg. No. 32,960
 Beard, John L. Reg. No. 27,612
 Beck, Robert C. Reg. No. 28,184
 Bejin, Thomas E. Reg. No. 37,089
 Berman, Charles Reg. No. 29,249
 Bogucki, Raymond A. Reg. No. 17,426
 Bruess, Steven C. Reg. No. 34,130
 Byrne, Linda M. Reg. No. 32,404
 Carlson, Alan G. Reg. No. 25,959
 Carter, Charles G. Reg. No. 35,093
 Caspers, Philip P. Reg. No. 33,227
 Clifford, John A. Reg. No. 30,247
 Conrad, Timothy R. Reg. No. 30,164
 Crawford, Robert Reg. No. 32,122
 Daignault, Ronald A. Reg. No. 25,968
 Daley, Dennis R. Reg. No. 34,994
 Daulton, Julie R. Reg. No. 36,414
 Dempster, Shawn B. Reg. No. 34,321
 DiPietro, Mark J. Reg. No. 28,707
 Edell, Robert T. Reg. No. 20,187
 Farber, Michael B. Reg. No. 32,612
 Fauver, Cole M. Reg. No. 36,797

Gabilan, Mary Susan Reg. No. 38,729
 Gates, George H. Reg. No. 33,500
 Golla, Charles E. Reg. No. 26,896
 Gorman, Alan G. Reg. No. 38,472
 Gould, John D. Reg. No. 18,223
 Gresens, John J. Reg. No. 33,112
 Hamre, Curtis B. Reg. No. 29,165
 Hassing, Thomas A. Reg. No. 36,159
 Hillson, Randall A. Reg. No. 31,838
 Hollingsworth, Mark A. Reg. No. 38,491
 Kastelic, Joseph M. Reg. No. 37,160
 Kowalchuk, Alan W. Reg. No. 31,535
 Kowalchuk, Katherine M. Reg. No. 36,848
 Krull, Mark A. Reg. No. 34,205
 Lacy, Paul A. Reg. No. 38,946
 Lasky, Michael B. Reg. No. 29,555
 Lynch, David W. Reg. No. 36,204
 Mau, Michael L. Reg. No. 30,087
 McDonald, Daniel W. Reg. No. 32,044
 McDonald, Wendy M. Reg. No. 32,427
 Mueller, Douglas P. Reg. No. 30,300
 Nelson, Albin J. Reg. No. 28,650
 Plunkett, Theodore Reg. No. 37,209

Poll, Steven J. Reg. No. 35,326
 Reich, John C. Reg. No. 37,703
 Reiland, Earl D. Reg. No. 25,767
 Schmidt, Cecil C. Reg. No. 20,566
 Schuman, Mark D. Reg. No. 31,197
 Schumann, Michael D. Reg. No. 30,422
 Sebald, Gregory A. Reg. No. 33,280
 Sharp, Janice A. Reg. No. 34,051
 Smith, Jerome R. Reg. No. 35,684
 Sorensen, Andrew D. Reg. No. 33,606
 Stinebruner, Scott A. Reg. No. 38,323
 Strawbridge, Douglas A. Reg. No. 28,376
 Strodthoff, Kristine M. Reg. No. 34,259
 Sumner, John P. Reg. No. 29,114
 Summers, John S. Reg. No. 24,216
 Tellekson, David K. Reg. No. 32,314
 Underhill, Albert L. Reg. No. 27,403
 Vandenberg, J. Derek Reg. No. 32,179
 Vietzke, Lance L. Reg. No. 36,708
 Welter, Paul A. Reg. No. 20,890
 Williams, Douglas J. Reg. No. 27,054
 Wood, Gregory B. Reg. No. 28,133

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization/who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Merchant & Gould to the contrary.

Please direct all correspondence in this case to Merchant, Gould, Smith, Edell, Welter & Schmidt at the address indicated below:
 11150 Santa Monica Boulevard, Suite 400
 Los Angeles, California 90025-3395
 Telephone No. (310) 445-1140

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

201	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
202	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
203	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
204	Post Office Address	Post Office Address	City	State & Zip Code/Country
205	Full Name Of Inventor	Family Name	First Given Name	Second Given Name
206	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
207	Post Office Address	Post Office Address	City	State & Zip Code/Country

Signature of Inventor 201	Signature of Inventor 202	Signature of Inventor 203
Date	Date	Date

For Additional Inventors:
 - Indicate here and attach sheet with same information, including date and signature.

§ 1.56 Duty to disclose information material to patentability.

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
- or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
 - (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.



DANN DORFMAN HERRELL AND SKILLMAN

A PROFESSIONAL CORPORATION

1601 MARKET STREET · SUITE 2400 · PHILADELPHIA, PA · 19103-2307
PHONE (215) 563-4100 · FAX (215) 563-4044

March 14, 2006

First Named Inventor:
Caroline Dean

MAIL STOP ISSUE FEE

Application No. 10/088,187

Allowed: December 29, 2005

Attorney Docket No. 0380-P02825US0

Filed: September 25, 2002

For: METHODS AND MEANS FOR
MODIFICATION OF PLANT
FLOWERING CHARACTERISTICS

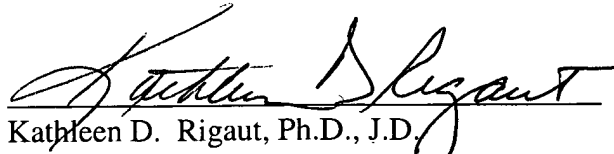
TO THE COMMISSIONER FOR PATENTS:

NOTIFICATION OF FEE ADDRESS

Please enter "Payor Number" No. 020016 in the Office records to identify the "Fee Address" to be used in connection with this case for all future maintenance fee payments and related correspondence. Payor Number 020016 corresponds to:

MEWBURN ELLIS
York House
23 Kingsway
London, WC2B 6HP
United Kingdom

Respectfully submitted,


Kathleen D. Rigaut, Ph.D., J.D.
PTO Registration No. 43, 047

Telephone: 215-563-4100
Facsimile: 215-563-4044
Email: KRigaut@ddhs.com